

रजिस्टर्ड नं० पी०/एम० एम० 14.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, बोरवार, 12 जून, 1980/22 ज्येष्ठ, 1902

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हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-171002, 11 जून, 1980

क्रमांक एल० एल० आर० डी०-(6) 11/80.—हिमाचल प्रदेश म्युनिसिपल (अमेण्डमेंट एण्ड वेलिडेशन) विधेयक, 1980 (1980 का विधेयक संख्यांक 4) की "भारत के संविधान" के अनुच्छेद 200 के अधीन दिनांक 9 जून, 1980 को राज्यपाल महोदय

की स्वीकृति के उपरान्त एतद्द्वारा सर्वसाधारण की जानकारी के लिये राजपत्र, हिमाचल प्रदेश में 1980 का अधिनियम संख्यांक 6 के रूप में प्रकाशित किया जाता है ।

जय चन्द मल्होत्रा,  
सचिव ।

Act No. 6 of 1980.

**THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT  
AND VALIDATION) ACT, 1980**

AN  
ACT

*further to amend the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968) and to validate the co-option of members of the Municipal Committees and other ancillary matters thereto.*

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Municipal (Amendment and Validation) Act, 1980.

Short title  
and com-  
mencement.

(2) It shall come into force at once.

2. For the existing section 11-B of the Himachal Pradesh Municipal Act, 1968 (hereinafter called the principal Act), the following section 11-B shall be substituted, namely:—

Substitution  
of section  
11-B.

“11-B. (1) The co-option referred to in section 11-A shall be made, in the prescribed manner, in the meeting after the election of the President and the Vice-President from amongst persons who are otherwise qualified to be elected as members:

Provided that whenever a casual vacancy occurs in the office of a co-opted member the co-option shall be made within a period of thirty days from the occurrence of the vacancy.

(2) In the event of failure to co-opt a member under section 11-A, or in accordance with the provisions of sub-section (1), the elected members of the committee shall cease to have the right of co-option and thereupon the Government may nominate a person who is eligible to be co-opted under section 11-A to be a member of such Committee.”

3. After the existing section 252 of the principal Act, the following new section 252-A, along with its heading, shall be inserted, namely:—

Insertion  
of section  
252-A.

“252-A. *Power of Government to appoint Administrator of the Committee/Notified Area Committee, pending its election.*—Notwithstanding anything to the contrary contained in the Act, the State Government may, until the Municipal Committee is elected in accordance with the provisions of Chapter III of the Act, or the Notified Area Committee is elected under section 257-A of the Act, appoint any person to act as the Administrator and to discharge all the duties and to exercise all the powers of the Municipal Committee, or the Notified Area Committee, as the case may be.”

Validation  
of co-option  
of mem-  
bers.

4. Notwithstanding the amendment made in section 11-B of the principal Act under section 2 of this Act, or anything to the contrary contained in the principal Act or the rules/bye-laws framed thereunder, any co-option made by the elected members of a committee, after the expiry of the period of thirty days from the date of the commencement of the Himachal Pradesh Municipal (Amendment) Act, 1977 shall be deemed to be, and to have always been, made by such elected members in accordance with law and the persons co-opted as members shall be deemed to have been validly and lawfully co-opted members of the committee, and accordingly no suit or other legal proceedings shall be maintained or continued against any person whatever on the ground that his co-option was not made in accordance with law; and the committee shall have, and shall be deemed to have, power to act, notwithstanding any vacancy in the membership thereof and no act done or the proceedings taken under the principal Act shall be questioned on the ground merely:—

8 of 1978

- (i) the seat of any co-opted member remained unfilled from any cause whatsoever; or
- (ii) any co-opted member, irrespective of the defect of his co-option, has voted or taken part in any proceedings.